

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

THOMAS PORTER, *et al.*,

Plaintiffs,

v.

CASE NO. 1:14-cv-1588

HAROLD W. CLARKE, *et al.*,

Defendants.

AMENDED PROPOSED CONSENT DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f) and this Court's April 17, 2015 Order, the parties, by and through their respective counsel, submit the following Consent Discovery Plan to the Court:

1. Pursuant to Fed. R. Civ. P. 26(f), a teleconference was held on April 28, 2015, and attended by counsel for all parties to this litigation.
2. The parties propose that they will serve initial disclosures as required by Rule 26(a)(1) on or before May 20, 2015, and anticipate that they shall be able to comply with the limitations and requirements set forth in the applicable rules.
3. The parties propose that Plaintiffs' Rule 26(a)(2) Expert Disclosures be served on or before July 13, 2015; Defendants' Rule 26(a)(2) Expert Disclosures be served on or before August 12, 2015; and that any rebuttal opinions must be served on or before August 27, 2015.
4. All discovery shall be completed by September 11, 2015.
5. Each party may not exceed five (5) non-party, non-expert witness depositions and may not serve on any other party more than thirty (30) interrogatories, including parts and subparts, without leave of the Court.

6. The final pretrial conference will be held on September 17, 2015, at 10:00 a.m. Pursuant to this Court's April 17, 2015 Order, the parties must electronically file on or before this date disclosures and list of the exhibits to be used at trial, a list of the witnesses to be called at trial, and a written stipulation of uncontested facts. The exhibits themselves should be exchanged prior to the conference.

7. Objections to any exhibits must be filed within 10 days after the conference.

8. Dispositive motions, including Motions to Exclude Expert Testimony, if any, shall be filed no later than November 12, 2015.

9. The parties shall present argument on any dispositive motions no later than Dec. 11, 2015, or as soon thereafter as the Court's schedule may allow.

10. All depositions taken by the proponent of a witness for presentation in evidence in lieu of the appearance of the witness at trial shall be concluded on or before thirty (30) days before trial.

11. The parties currently contemplate that a bench trial in this matter will take 5 days.

12. The parties agree that nothing in this discovery plan shall preclude any party from seeking an extension of any discovery deadline contained herein.

13. Any claims of privilege made within discovery responses will be addressed in an appropriate log with the exception of communications between client and litigation counsel, communications between litigation counsel, and work-product of litigation counsel. With the exception noted, the objecting party will identify the responsive documents which are withheld and the basis for same in log form, noting date, author, addressee, type of document, and generic description of contents.

14. Below is a summary of Consent Discovery Deadlines:

May 20, 2015	Rule 26(a)(1) Initial Disclosures Supplemented
July 13, 2015	Plaintiffs' Rule 26(a)(2) Expert Disclosure
August 12, 2015	Defendants' Rule 26(a)(2) Expert Disclosure
August 27, 2015	Rebuttal Expert Disclosure
September 11, 2015	Deadline to Complete Discovery
September 17, 2015	Final Pretrial Conference
September 17, 2015	Rule 26(a)(3) Disclosures and Exchange of Exhibits
September 28, 2015	Objections to any parties' Rule 26(a)(3) Disclosures
November 12, 2015	Deadline for filing dispositive motions
December 11, 2015	Argument on dispositive motions
30 days prior to trial	Depositions in lieu of trial Appearance

Dated: May 6, 2015

Respectfully submitted,

By: _____/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2015, I electronically filed the foregoing Amended Consent Discovery Plan with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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And I hereby certify that I have mailed the document by United States Postal Service to the following non-filing user: N/A

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